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*Status: Point in time view as at 17/08/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Wildlife and Natural Environment Act (Northern Ireland) 2011. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

Section 27.

#### AMENDMENTS TO SCHEDULES TO THE WILDLIFE ORDER

1 Schedules 1 and 2 and 4 to 9 to the Wildlife Order are amended as follows.

2.—(1) Schedule 1 (birds which are protected by special penalties) is amended as follows.

(2) In Part 1 at the appropriate places in alphabetical order insert the following entry—

<i>Common name</i>	<i>Scientific name</i>
Cuckoo	<i>Cuculus canorus</i>
Curlew	<i>Numenius arquata</i>
Dove, Stock	<i>Columba oenas</i>
Egret, Little	<i>Egretta garzetta</i>
Flycatcher, Spotted	<i>Muscicapa striata</i>
Gull, Mediterranean	<i>Larus melanocephalus</i>
Gyr Falcon	<i>Falco rusticolus</i>
Hobby	<i>Falco subbuteo</i>
Kite, Red	<i>Milvus milvus</i>
Lapwing	<i>Vanellus vanellus</i>
Martin, Sand	<i>Riparia riparia</i>
Owl, Snowy	<i>Bubo scandiacus</i>
Puffin	<i>Fratercula arctica</i>
Redshank	<i>Tringa totanus</i>
Shearwater, Manx	<i>Puffinus puffinus</i>
Sparrow, Tree	<i>Passer montanus</i>
Whinchat	<i>Saxicola rubetra</i>
Whitethroat, Lesser	<i>Sylvia curruca</i>

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Yellowhammer Emberiza citrinella

(3) In Part 1 omit the following entries—

<i>Common name</i>	<i>Scientific name</i>
Fieldfare	Turdus pilaris
Firecrest	Regulus ignicapillus
Phalarope, Red-necked	Phalaropus lobatus
Tit, Bearded	Panurus biarmicus

3.—(1) Schedule 2 (birds which may be taken or killed) is amended as follows.

(2) In Part 1 at the appropriate places in alphabetical order insert the following entry—

<i>Common name</i>	<i>Scientific name</i>
Duck, Ruddy	Oxyura jamaicensis

(3) In Part 1 omit the following entry—

<i>Common name</i>	<i>Scientific name</i>
Curlew	Numenius arquata

4.—(1) Schedule 4 (birds which may be shown for competition purposes) is amended as follows.

(2) At the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Blackbird	Turdus merula
Crossbill (all species)	Loxia (all species)
Dunnock	Prunella modularis
Hawfinch	Coccothraustes coccothraustes
Redstart	Phoenicurus phoenicurus
Stonechat	Saxicola torquata
Thrush, Mistle	Turdus viscivorus
Thrush, Song	Turdus philomelos
Tit, Blue	Cyanistes caeruleus
Tit, Coal	Periparus ater

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Tit, Great	Parus major
Tit, Long tailed	Aegithalos caudatus
Tit, Marsh	Poecile palustris
Wagtail, Pied	Motacilla alba yarrelli
Wagtail, Yellow	Motacilla flava
Waxwing	Bombycilla garrulus

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5.—(1) Schedule 5 (animals which are protected at all times) is amended as follows.

(2) At the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Butterfly, Real's Wood White	Leptidea reali
Crayfish, White-Clawed	Austropotamobius pallipes
Damselfly, Irish	Coenagrion lunulatum
Lobster, Spiny	Palinurus elaphus
Mussel, Fan	Atrina fragilis
Seahorse, Short Snouted	Hippocampus hippocampus
Seahorse, Spiny	Hippocampus guttulatus
Skate, Common (in respect of Article 10(1) only and with respect to coastal waters only)	Dipturus batis
Shark, Angel (in respect of Article 10(1) only and with respect to coastal waters only)	Squatina squatina
Shark, Basking	Cetorhinus maximus

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(3) After the Note at the end of the Schedule insert— “ Note 2. In this Schedule “coastal waters” means the part of the territorial waters adjacent to Northern Ireland which is not more than 6 nautical miles from the baselines from which the breadth of those waters is measured; and “nautical mile” means an international nautical mile of 1,872 metres. ”.

6.—(1) Schedule 6 (animals which may not be taken or killed by certain methods) is amended as follows.

(2) At the appropriate places in alphabetical order insert the following entries—

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<b><i>Common name</i></b>	<b><i>Scientific name</i></b>
Crayfish, White-Clawed	<i>Austropotamobius pallipes</i>
Lobster, Spiny	<i>Palinurus elaphus</i>
Mussel, Fan	<i>Atrina fragilis</i>
Seahorse, Short Snouted	<i>Hippocampus hippocampus</i>
Seahorse, Spiny	<i>Hippocampus guttulatus</i>
Shark, Basking	<i>Cetorhinus maximus</i>
Shrew, Pygmy	<i>Sorex minutus</i>

7.—(1) Schedule 7 (animals which may not be sold alive or dead at any time) is amended as follows.

(2) At the appropriate places in alphabetical order insert the following entries—

<b><i>Common name</i></b>	<b><i>Scientific name</i></b>
Butterfly, Real's Wood White	<i>Leptidea reali</i>
Crayfish, White-Clawed	<i>Austropotamobius pallipes</i>
Damselfly, Irish	<i>Coenagrion lunulatum</i>
Lobster, Spiny	<i>Palinurus elaphus</i>
Mussel, Fan	<i>Atrina fragilis</i>
Seahorse, Short Snouted	<i>Hippocampus hippocampus</i>
Seahorse, Spiny	<i>Hippocampus guttulatus</i>
Shark, Basking	<i>Cetorhinus maximus</i>

(3) Omit the following entry—

<b><i>Common name</i></b>	<b><i>Scientific name</i></b>
Fox	<i>Vulpes vulpes</i>

8.—(1) Schedule 8 (plants which are protected) is amended as follows.

(2) In Part 1 at the appropriate places in alphabetical order insert the following entries—

<b><i>Common name</i></b>	<b><i>Scientific name</i></b>
Beak-sedge, Brown	<i>Rhynchospora fusca</i>
Birds-foot	<i>Ornithopus perpusillus</i>
Bristle-moss, Spruce's	<i>Orthotrichum sprucei</i>

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Burnet, Great	Sanguisorba officinalis
Clubmoss, Alpine	Diphasiastrum alpinum
Clubmoss, Marsh	Lycopodiella inundata
Clubmoss, Stag's Horn	Lycopodium clavatum
Cranesbill, Meadow	Geranium pratense
Dodder	Cuscuta epithimum
Feather-moss, Elegant	Eurhynchiastrum pulchellum
Fern, Parsley	Cryptogramma crispa
Figwort, Green	Scrophularia umbrosa
Gentian, Autumn	Gentianella amarella
Henbane	Hyoscyamus niger
Hornwort, Soft	Ceratophyllum submersum
Jelly-lichen, River	Collema dichotomum
Juniper	Juniperus communis
Lichen	Enterographa elaborata
Lichen	Lobaria virens
Meadow-rue, Alpine	Thalictrum alpinum
Notchwort, Ragged	Leiocolea heterocolpos
Orchid, Dense-flowered	Neotinea maculata
Orchid, Lapland Marsh	Dactylorhiza lapponica
Orchid, Narrow-leaved Marsh	Dactylorhiza traunsteineri
Petalwort	Petalophyllum ralfsii
Sea-kale	Crambe maritima
Sedge, Stiff	Carex bigelowii
Small-reed, Wood	Calamagrostis epigejos
St John's Wort, Hairy	Hypericum hirsutum
Thistle, Melancholy	Cirsium heterophyllum
Thread-moss, Slender	Orthodontium gracile
Vetch, Wood Bitter	Vicia orobus
Wormwood, Sea	Seriphidium maritimum

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(3) In Part 1, omit the following entries—

<i>Common name</i>	<i>Scientific name</i>
Barley, Wood	<i>Hordelymus europaeus</i>
Betony	<i>Stachys officinalis</i>
Clubmoss, Marsh	<i>Lycopodium inundatum</i>
Orchid, Bird's Nest	<i>Neottia nidus-avis</i>
Orchid, Narrow-leaved Marsh	<i>Dactylorchis traunsteineri</i>
Pea, Marsh	<i>Lathyrus palustris</i>
Pillwort	<i>Pilularia globulifera</i>
Thistle, Melancholy	<i>Cirsium helenioides</i>
Waterwort, Eight-stamened	<i>Elatine hydropiper</i>

(4) In Part 2 at the appropriate place in alphabetical order insert the following entry—

<i>Common name</i>	<i>Scientific name</i>
Bluebell	<i>Hyacinthoides non-scripta</i>

9.—(1) Schedule 9 (animals and plants to which Article 15 applies) is amended as follows.

(2) In Part 1 at the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Amphipod, Freshwater	<i>Crangonyx pseudogracilis</i>
Crayfish, Signal	<i>Pacifastacus leniusculus</i>
Crayfish, Narrow-clawed	<i>Astacus leptodactylus</i>
Crayfish, Noble	<i>Astacus astacus</i>
Crayfish, Spiny-cheek	<i>Orconectes limosus</i>
Crayfish, Marbled	<i>Procambarus</i> sp.
Deer, Chinese water	<i>Hydropotes inermis</i>
Deer, Muntjac	<i>Muntiacus reevesi</i>
Deer, Roe	<i>Capreolus capreolus</i>
Duck, Mandarin	<i>Aix galericulata</i>

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Hare, Brown	<i>Lepus europaeus</i>
Hedgehog (with respect to islands in territorial waters only)	<i>Erinaceus europaeus</i>
Fox (with respect to islands in territorial waters only)	<i>Vulpes vulpes</i>
Limpet, Slipper	<i>Crepidula fornicata</i>
Mussel, Zebra	<i>Dreissena polymorpha</i>
Rat, Common Brown (with respect to islands in territorial waters only)	<i>Rattus norvegicus</i>
Sea squirt	<i>Didemnum vexillum</i>
Sea squirt, Club	<i>Styela clava</i>
Shrimp, Freshwater	<i>Gammarus pulex</i>
Shrimp, Freshwater	<i>Gammarus tigrinus</i>
Shrimp, Japanese skeleton	<i>Caprella mutica</i>
Stoat, Irish (with respect to islands in territorial waters only)	<i>Mustela erminea hibernicus</i>

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(3) In Part 1 omit the following entries—

<i>Common name</i>	<i>Scientific name</i>
Duck, Carolina Wood	<i>Aix sponsa</i>
Goshawk	<i>Accipiter gentilis</i>
Pheasant, Golden	<i>Chrysolophus pictus</i>

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(4) In Part 2 at the appropriate places in alphabetical order insert the following entries—

<i>Common name</i>	<i>Scientific name</i>
Balsam, Himalayan	<i>Impatiens glandulifera</i> .
Bluebell, Spanish	<i>Hyacinthoides hispanica</i>
Cabbage, Skunk	<i>Lysichiton americanum</i>
Eelgrass, Dwarf	<i>Zostera japonica</i>
Fanwort	<i>Cabomba caroliniana</i>
Fig, Hottentot	<i>Carpobrotus edulis</i>
Honeysuckle, Japanese	<i>Lonicera japonica</i>

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Kelp, Japanese	Undaria pinnatifida
Knotweed, Giant	Fallopia sachalinensis
Knotweed, Himalayan	Polygonum wallichii
Knotweed, Japanese	Fallopia japonica
Leek, Few-flowered	Allium paradoxum
Mile-A-Minute Weed	Polygonum perfoliatum
Parrot's Feather	Myriophyllum aquaticum
Pennywort, Floating	Hydrocotyle ranunculoides
Reed, Giant	Arundo donax
Rhubarb, Giant	Gunnera tinctoria
Salmonberry	Rubus spectabilis
Salvinia, Giant	Salvinia molesta
Sea-buckthorn	Hippophae rhamnoides
Stonecrop, Australian swamp	Crassula helmsii
Water Chestnut	Trapa natans
Water Fern	Azolla filiculoides
Water Lettuce	Pistia stratiotes
Water Primrose	Ludwigia
Water Soldier	Stratiotes aloides
Waterlily, Fringed	Nymphoides peltata
Waterweeds (all species)	Elodea (all species)
Waterweed, Curly	Lagarosiphon major
Waterweed, Large flowered	Egeria densa

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(5) In Part 2 omit the following entries—

<i>Common name</i>	<i>Scientific name</i>
Knotweed	Reynoutria sachalinensis
Knotweed, Japanese	Reynoutria japonica

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(6) After the Note at the end of the Schedule insert— “ Note 2. In this Schedule “territorial waters” means the territorial waters adjacent to Northern Ireland. ”.



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## SCHEDULE 2

Section 39.

### AMENDMENTS

#### *The Game Preservation Act (Northern Ireland) 1928 (c. 25)*

**1.**—(1) Section 2 (police powers to search for game, etc.) is amended as follows.

(2) Omit subsection (1).

(3) In subsection (2) for the words from the beginning to “read the same” substitute “ If any officer or constable has reasonable grounds to suspect that any person is or has been unlawfully in pursuit of any game, ”.

(4) In subsection (3) omit “demand or”.

**2** After section 7F insert—

#### **“7G Relationship of this Act with Wildlife Order**

**7G** Sections 7(1) and (2) and 7A(1) do not have effect in relation to a hare included in Schedule 5 to the Wildlife (Northern Ireland) Order 1985.”.

**3** In section 8(1) (penalties for offences) after “this Act” insert “ (except section 7AA) ”.

**4** In section 10(2) (interpretation) for the definition of “game” substitute—

““game” means any hare or game-bird;

“game-bird” has the same meaning as in the Wildlife (Northern Ireland) Order 1985;”.

#### *The Wildlife (Northern Ireland) Order 1985 (NI 2)*

**5.**—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2) at the appropriate place in alphabetical order insert—

““inland waters” has the meaning given in Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 2006;”.

(3) In paragraph (2) in the definition of “wild bird” at the end add “ or any game bird ”.

(4) Omit paragraph (3).

**6** In Article 5(6)(a)(iii) (exceptions to Article 4) for “or fisheries” substitute “ , fisheries or inland waters ”.

**7** In Article 6(5) (prohibition of certain methods of taking or killing wild birds) for “permits or suffers” substitute “ knowingly causes or permits ”.

**8.**—(1) Article 7 (sale of wild birds, eggs, etc.) is amended as follows.

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(2) In paragraph (5)(a) for “for which a special penalty is provided” substitute “to which paragraph (5A) applies”.

(3) After paragraph (5) insert—

“(5A) The offences falling within this paragraph are —

(a) any offence under Article 4(1), (2) or (6) in respect of—

(i) a bird included in Schedule A1 or 1 or any part of, or anything derived from, such a bird,

(ii) the nest of such a bird, or

(iii) an egg of such a bird or any part of such an egg;

(b) any offence under Article 6(1);

(c) any offence under Article 7 in respect of—

(i) a bird included in Schedule A1 or 1 or any part of, or anything derived from, such a bird, or

(ii) an egg of such a bird or any part of such an egg;

(d) any offence under Article 9.”.

**9** In Article 9(2)(protection of captive birds) at the end of sub-paragraph (b) insert “ or ”.

**10** In Article 10(5) (protection of certain wild animals) after “or (2)” insert “ or for an offence under paragraph (4B) relating to an act which is mentioned in paragraph (1) or (2) ”.

**11.**—(1) Article 11 (exceptions to Article 10) is amended as follows.

(2) In paragraph (3)(a) after “fisheries” insert “ or inland waters ”.

(3) Omit paragraph (4).

**12** In Article 12(6) (prohibition of certain methods of taking or killing wild animals) for “permits or suffers” substitute “ knowingly causes or permits ”.

**13.**—(1) Article 13 (sale of wild animals) is amended as follows.

(2) In paragraph (3) for “to (7)” substitute “ to (5A) ”.

(3) In paragraph (4) after “or (2)” insert “ or for an offence under paragraph (2A) relating to an act which is mentioned in paragraph (1)(a) or (2)(a) ”.

**14** In Article 14(4) (protection of wild plants) after “(2)(a)” insert “ or for an offence under paragraph (3A) relating to an act which is mentioned in paragraph (2) (a) ”.

**15.**—(1) Article 16(1) (wildlife refuges) is amended as follows.

(2) In paragraph (1)(a) after head (iii) insert—

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“(iia) obstructs or prevents any wild bird or wild animal from using its nest or any structure or place which such a bird or animal uses for shelter or protection;”.

(3) In paragraph (1)(c) for “the offender shall be liable to a special penalty” substitute “ the offence shall be treated as falling within Article 7(5A) ”.

**16** In Article 18 (licences)—

(a) in paragraphs (1) and (3) for “and (4)” substitute “ , (4) and (4A) ”;

(b) in paragraph (4) for “and 15” substitute “ , 15 or 15A ”.

**17** In Article 27 (penalties)—

(a) in paragraph (7) for “(2), (3), (4) or (5)” substitute “ or (2) ”;

(b) in paragraph (8)(b) after “15” insert “ or 15A ”.

**18.**—(1) Article 28 (power to vary Schedules) is amended as follows.

(2) In paragraph (1) for “Schedules 1” substitute “ Schedules A1 ”.

(3) In paragraph (4)—

(a) for “this Part” substitute “ Part 2 ”;

(b) in sub-paragraph (a) for “or Schedule 6” substitute “ , Schedule 6 or Schedule 7 ”.

**19** In Article 29(3) (orders) after “any order” insert “ (other than an order under Article 4(10)) ”.

## SCHEDULE 3

Section 39.

### REPEALS

## PART 1

### WILDLIFE

#### Commencement Information

**II** Sch. 3 Pt. 1 partly in operation; Sch. 3 Pt. 1 not in operation at Royal Assent, see s. 40(1); Sch. 3 Pt. 1 in operation for certain purposes at 17.8.2011 by S.R. 2011/285, art. 2, Sch.

#### Short Title

The Welfare of Animals Act (Northern Ireland) 1972 (c. 7)

#### Extent of repeal

Section 21.

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The Wildlife (Northern Ireland) Order 1985 (NI 2)	<p>Article 2(3).          Article 4(5).          In Article 4(6) the words from “and, where that offence” to the end.          In Article 4(12) the words “Without prejudice to Article 29(3),”.          In Article 6(1) the words “and be liable to a special penalty”.          Article 7(3), (6) and (7).          In Article 9(1) and (3) the words “and be liable to a special penalty”.          Article 11(4).          In Article 12(1)(b) the words “any self-locking snare, whether or not of such a nature or so placed as aforesaid,”.          In Article 12(7) the words “with a view to its being used for a purpose which is unlawful under paragraph (1)(a) or (b),”.          Article 15(5) and (6).          In Article 24 the word “he” (immediately after paragraph (b)).          Article 26(1).</p>
The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)	In Schedule 6, paragraph 13.
The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (NI 2)	In Schedule 1, paragraph 22.

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## PART 2

### GAME LICENCES AND GAME DEALERS' LICENCES, ETC.

Short Title	Extent of repeal
The Game Act 1831 (c. 32)	The whole Act.
The Game Preservation Act (Northern Ireland) 1928 (c. 25)	<p>Section 2(1).          In section 2(3) the words “demand or”.          Sections 3 to 5.          Section 7(4).          In section 7(6) the words “or subsection (4)”.</p>

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	In the Schedule, the references to the Night Poaching Act 1828 and the Game Act 1831.
The Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (c. 11)	The whole Act.
The Criminal Justice (Northern Ireland) Order 1980 (NI 6)	In Schedule 1, paragraph 64.
The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)	In Schedule 6, paragraphs 128 to 130.
The Wildlife (Northern Ireland) Order 1985 (NI 2)	In Article 23, paragraph (1) and in paragraph (3) the definition of “prohibited period”. In Schedule 12, paragraph 1.
The Game Preservation (Amendment) Act (Northern Ireland) 2002 (c. 2)	Section 2(5).
The Forestry Act (Northern Ireland) 2010 (c. 10)	In section 11(5), the words “game licences or”.

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### PART 3

#### HARE COURSING

<b>Short Title</b>	<b>Extent of repeal</b>
The Game Preservation Act (Northern Ireland) 1928 (c. 25)	In Section 7(2) paragraph (b) and the word “or” immediately before it. Section 7D(4).
The Control of Greyhounds etc. Act (Northern Ireland) 1950 (c. 13)	Section 5(2).
The Wildlife (Northern Ireland) Order 1985 (NI 2)	In Schedule 12, paragraph 3.
The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11)	In Article 2(2), in the definition of “bookmaker's licence”, the words “or coursing”.
The Game Preservation (Amendment) Act (Northern Ireland) 2002 (c. 2)	Section 1(4).

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